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#3

Attorney Docket No.: 22956-

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

EXPANDING LIGAMENT GRAFT FIXATION SYSTEM AND METHOD

the specification of which

(check one)

_____ is attached hereto.

X was filed on September 28, 2001

Application Serial No. 09/966,737

and was amended on _____ (if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys at Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Check one:

☒ X no such foreign applications have been filed.

☐ such foreign applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

| Country | Application Number | Date of Filing (month, day, year) | Priority Claim Under 35 USC |
|---------|--------------------|--------------------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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Attorney Docket No.: 22956

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Check one:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional applications have been filed as follows:

| Application Number | Date of Filing (month, day, year) | Priority Claimed Under 35 USC 119(e) |
|--------------------|--------------------------------------|--|
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Check one:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT applications have been filed as follows:

| Application Number | Date of Filing (month, day, year) | Status (Patented/Pending/Abandoned) |
|--------------------|--------------------------------------|--|
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Attorney Docket No.: 22956-

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or a patent issued thereon.

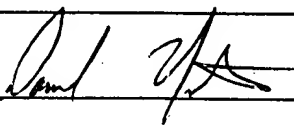
I hereby appoint:

| | | | |
|-----------------------|-----------------|--------------------|-----------------|
| Ronald E. Cahill | Reg. No. 38,403 | Lisa Michaud | Reg. No. 44,238 |
| Thomas J. Engellenner | Reg. No. 28,711 | Reza Mollaaghababa | Reg. No. 43,810 |
| Michael I. Falkoff | Reg. No. 30,833 | Tram Anh T. Nguyen | Reg. No. 47,257 |
| William C. Geary III | Reg. No. 31,359 | David J. Powsner | Reg. No. 31,868 |

all of Nutter McClennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law, with full power substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

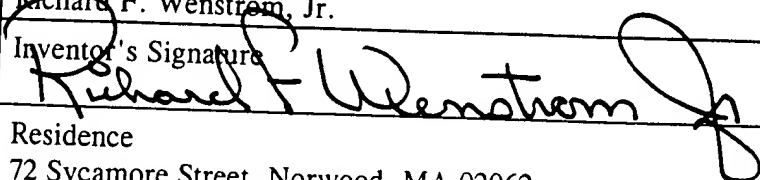
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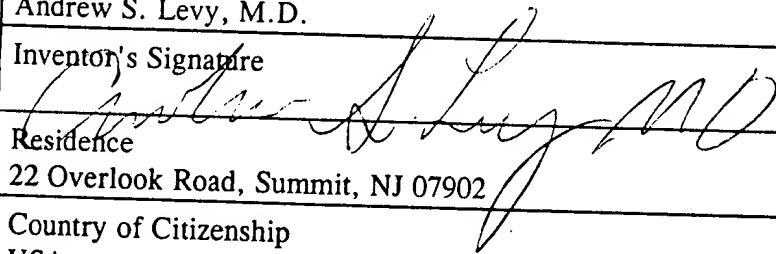
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| | |
|---|--------------------|
| Full name of sole or first joint inventor Daniel F. Justin | |
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| Country of Citizenship USA | |
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Attorney Docket No.: 22956-72

| | |
|--|----------------|
| Full name of second joint inventor Richard F. Wenstrom, Jr. | |
| Inventor's Signature  | Date 1-7-02 |
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| Country of Citizenship USA | |
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| | |
|---|-----------------|
| Full name of second joint inventor Andrew S. Levy, M.D. | |
| Inventor's Signature  | Date 1/14/02 |
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